

**Introduced by Senator Strickland**

January 30, 2012

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An act to amend Section 11194.5 of the Penal Code, relating to county jails.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 983, as introduced, Strickland. County prisoners: interstate compacts.

Existing law authorizes the sheriff of a county adjacent to another state, at the request of the county board of supervisors, to negotiate and contract with the appropriate officials of the adjacent state for the confinement of county jail prisoners in corresponding facilities located in the adjacent state, subject to specified conditions, including that the State of California has executed a compact with the other state. Existing law prohibits a prisoner from being transferred to an institution outside of this state unless he or she has executed a written consent to the transfer.

This bill would instead authorize the board of supervisors of any county, rather than the sheriff, to negotiate and enter into a contract with the officials of any other state for the confinement of county jail prisoners in corresponding facilities located in the other state, as specified. The bill would also remove the requirement of the inmate's written consent to transfer.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 11194.5 of the Penal Code is amended to read:

11194.5. (a) ~~At the request of the~~ *The* board of supervisors of any a county ~~that is adjacent to another state, the county sheriff shall~~ *may negotiate and enter into* with the appropriate officials of the ~~adjacent other state to a contract, pursuant to the authority of Article III of a compact executed under Section 11189 or 11190, for the confinement of county jail prisoners in corresponding facilities located in the adjacent other state. The sheriff board shall determine that the corresponding facilities are a suitable place of confinement of prisoners submitted to his or her~~ *the county's* custody and shall, at least annually, redetermine the suitability as a precondition to ~~any a contract under this section. In determining the suitability of the facilities of the other states, the sheriff board shall assure himself or herself itself that it the facility in the other state maintains standards of care and discipline not incompatible with those of this state and that all inmates therein are treated equally, regardless of race, religion, color, creed, or national origin.~~

~~(b) With the approval of the board of supervisors including agreement as to terms for payments to be made for prisoner maintenance and expenses, the county sheriff may enter into a contract negotiated under subdivision (a).~~

~~(c) No prisoner may be transferred to an institution outside of this state under this section unless he or she has executed a written consent to the transfer.~~

~~(d)~~

~~(b)~~ *Any* A person who was sent to another state from a county under the authority of this section shall be released within the territory of the county unless the person, the sheriff of the sending county, and the corresponding official or agency of the other state ~~shall~~ agree upon release in another place. The county shall bear the cost of transporting the person to the place of release.